

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2772 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and  
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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HEMANT PLASTIC & CHEMICALS LTD

Versus

UNION OF INDIA

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Appearance:

MR PARESH M DAVE for Petitioners  
MR PB MAJMUDAR for Respondent No. 1  
MR MUKESH R SHAH for Respondent No. 2, 3

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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE A.M.KAPADIA

Date of decision: 25/08/1999

ORAL JUDGEMENT (Per B.C.Patel, J.):

Rule. Mr. P.B. Majmudar, learned advocate waives service of rule on behalf of respondent No.1 and Mr. M.R. Shah, learned advocate waives service of Rule on behalf of the respondent Nos.2 and 3. In the facts and circumstances of the case, the matter is taken up for

final hearing today.

Mr. Shah, learned advocate appearing for respondent Nos. 2 and 3 states that in view of the order passed by this court in Special Civil Application No. 3944 of 1999, wherein similar question had arisen and which was between the same parties, this matter may be remanded to the Commissioner, Appeals for deciding the stay application afresh.

The order passed by the appellate authority on the stay application is quashed and set aside. The appellate authority shall now decide the stay application afresh in accordance with law after considering the facts and circumstances of the case.

Accordingly, petition is allowed. Rule is made absolute. No order as to costs.

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(karan)